

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 19, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of September 12, 2016, reported having done so, found same correct.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION - Charolette Ralston, 12105 West O Street, came forward in favor of the lower tax levy, stating Lincoln already has high taxes. Discussion followed.

Cameron Murphy, 1001 West Dilin Street, came forward in favor of the lower tax levy. Discussion followed.

Jane Kinsey, Watch Dogs of Lincoln, 6703 Hawkins Bend, came forward and asked if this was the levy that would not raise taxes. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked Jeff for clarification on this item.

Jeff Kirkpatrick, City Attorney, came forward and explained the Mayor's budget has been approved under the terms of the Charter. This tax levy does not support the budget that was adopted. Discussion followed.

Roy Christensen, Council Member, called for Point of Order, stating none of this is germane to the item at hand. Discussion followed.

Ms. Kinsey came forward in favor of the lower tax levy and stated the largest group of our City's population is low and fixed income. Discussion followed.

Teri Pope-Gonzalez, 349 South 1st Street, came forward and stated she does not feel the public should pay the \$30,000.00 out of tax dollars and does not like the way Council wastes things. Discussion followed.

Carolyn Eberly, 7201 Candle Tree Lane, Apt. #73, came forward in opposition to the lower tax levy being proposed. She feels there is a lot of development going on and likes what it is doing for Lincoln. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF CHADWICK W. FISHER FOR YIN FAMILY, LLC DBA HIRO 88 AT 601 R STREET, SUITE 100 - Chad Fisher, 601 R Street, Suite 100, applicant came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. TO EXPAND ITS CLASS L LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS ENTIRE L SHAPED SINGLE STORY BUILDING MEASURING APPROXIMATELY 120 FEET BY 198 FEET INCLUDING OUTDOOR AREA MEASURING APPROXIMATELY 12 FEET BY 40 FEET AT 2100 MAGNUM CIRCLE, SUITE 1;

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 200 FEET BY 120 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 170 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON SEPTEMBER 24, 2016 FROM 1:00 P.M. TO 10:00 P.M. - Tom Wilmoth, 2100 Magnum Circle, Suite 1, applicant came forward to take the oath and requested approval for this expansion to be used as storage and office space and asked approval for the SDL. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRIDGE BEHAVIORAL HEALTH FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A TWO YEAR TERM FROM OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2018 - Phil Tegeler, Executive Director of the Bridge Behavioral Health, 721 K Street, came forward and stated this is a contract for continued services of civil protective custody and for the use of the basement space for the City. The basement area is used for testing to determine if someone is impaired. Last year the Bridge served 3,900 individuals.

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Carl Eskridge, Council Member, inquired about individuals that may need medical attention.
Mr. Tegeler stated we provide nursing 24 hours a day to ensure a safe environment for the individuals that are brought to our facility. Discussion followed.
This matter was taken under advisement.

**** Council Member Lamm left Chambers at 4:14 p.m. ****

**** Council Member Lamm returned to Chambers at 4:15 p.m. ****

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16-31, 2016 - Sandra Roberts, 4000 Northlund, #8, came forward and stated this claim is for damages done to her car from a pothole that she did not see until it was too late to avoid, and is requesting the City pay for the damage to her car. Discussion followed.

Carl Eskridge, Council Member, stated this area was under construction at the time and inquired if the construction company has any liability for something like this.

Jeff Kirkpatrick, City Attorney, came forward and explained it could be possible, if they were causing the condition or making the condition worse. Discussion followed.

Jon Camp, Council Member, inquired about what Public Works does when a pothole is reported. Discussion followed.

Miki Esposito, Director of Public Works, came forward and stated Public Works level of service is to come out within 1-5 days but try to get there on average in three days. Discussion followed.

This matter was taken under advisement.

**** Council Member Fellers left Chambers at 4:25 p.m. ****

**** Council Member Fellers returned to Chambers at 4:26p.m. ****

APPROVING A LOWER PLATTE RIVER CONSORTIUM AGREEMENT BETWEEN THE CITY OF LINCOLN, METROPOLITAN UTILITIES DISTRICT, NEBRASKA DEPARTMENT OF NATURAL RESOURCES, LOWER PLATTE SOUTH NRD, LOWER PLATTE NORTH NRD, AND PAPIO-MISSOURI RIVER NRD TO STUDY LONG-TERM WATER SUPPLIES AVAILABLE TO THE LOWER SUBBASIN FOR ENHANCING STREAMFLOWS OR AQUIFER STORAGE TO SUPPORT SUSTAINABLE PUBLIC WATER SYSTEMS - Steve Owen, Supt. of Water Production & Treatment for Public Works, came forward and stated this agreement allows the City to enter into an evaluation with five other Water Managers and Water Users in the Lower Platte Basin. This study will enhance streamflows and aquifer storage. We hope to build a predictive equation we could possibly use to be able to predict Platte River flows in certain conditions, that might cause us to operate the system differently. Discussion followed.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$30,000.00 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO GENERAL EXPENSE/LEGAL SERVICES TO COVER ANTICIPATED LEGAL FEES RELATED TO A DISPUTE REGARDING THE 2016-2018 CITY BUDGET AND RELATED PROPERTY TAX RATE FOR THE 2016-2017 FISCAL YEAR - Steve Hubka, Finance Director, came forward and stated this is moving money from the General Fund Contingency, which is controlled by City Council, to General Expense Legal Services. This will provide for the payment of attorney's for what we believe might be a court case coming up here. Discussion followed.

Jeff Kirkpatrick, City Attorney, came forward and explained they feel this amount might be on the high side, but wanted to make sure the attorneys hired did not feel constrained by having too low of a number as far as how many hours they could put in on this effort.

Jane Raybould, Council Member, stated this funding is coming from the miscellaneous budget contingency in the general fund correct then inquired if this was tax payer dollars.

Mr. Hubka stated that is correct, it is not entirely taxes but the bulk of the funds are.

Carolyn Eberly, 7201 Candle Tree Lane, Apt. 73, came forward in opposition. Discussion followed.

Cameron Murphy, 1001 West Dilin Street, came forward in favor. Discussion followed.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND JEFFREY K. BARCLAY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 801 SOUTH 27TH STREET - David Landis, Urban Development Director, came forward and stated this is for selling a strip of land on the corner of 27th & Randolph Streets. We would like to sell this property to Mr Goodcents for \$11,000.00. With the sale of this land, we have asked for green space, street trees, a correctly placed sidewalk, and some buffering around the drive-thru lane to help with headlights shining into traffic. We have asked them to do more than is required by law and they have agreed to this. Discussion followed.

Jon Camp, Council Member, stated he feels there is more value to this property, he would like to see a long term lease, so if the City ever decided to widen the street at this location they could. Discussion followed.

Jane Raybould, Council Member, inquired if there was a turn lane in this area.

Mr. Landis stated he does not believe there are plans to make any turn lanes in this area. Discussion followed.

David Cary, Planning Director, came forward and stated at this time they do not have any plans to widen 27th Street at this location. The Long Range Transportation Plan does not envision the widening of 27th Street at this location either. That doesn't mean that it will never happen, but he feels, it is a very remote possibility. Planning is in favor of selling this property. Discussion followed.

Carl Eskridge, Council Member, inquired what the value of the land is.

Mr. Landis stated \$22,000.00 is the value of the land, we are asking for \$11,000.00 with the buyer doing some things to this property that is not required by law. Discussion followed.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ADULT PROBATION SERVICES FOR THE LEASE OF OFFICE SPACE IN THE MUNICIPAL SERVICE CENTER LOCATED AT 901 WEST BOND STREET TO LANCASTER COUNTY ADULT PROBATION FOR AN INITIAL TERM BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2018 - Steve Hubka, Finance Director, came forward and stated this is an agreement with County Adult Probation for leasing 7,000 sq. feet of office space at MSC for \$70,000.00 per year being \$10.00 per sq. foot. They will be responsible for renovations and we will be paying the utilities for that rate. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A CONTRACT AMONG THE CITY OF LINCOLN, LANCASTER COUNTY, AND INDUSTRIAL SERVICES, INC. FOR THE ANNUAL SERVICES FOR DEAD ANIMAL REMOVAL, PURSUANT TO BID NO. 16-159, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89981 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract among the City of Lincoln, Lancaster County, and Industrial Services, Inc. for the annual services for dead animal removal in accordance with Bid No. 16-159, for a four year term with the option to renew for one additional four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR PURCHASES MADE WITH DHS 2015 GRANT YEAR FUNDS FROM THE SOUTHEAST REGION PLANNING, EXERCISE, AND TRAINING GROUP WITH LANCASTER COUNTY ACTING AS THE FISCAL AGENT FOR SOUTHEAST REGION - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89982 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County for purchases made with DHS 2015 Grant Year funds from the Southeast Region Planning, Exercise, and Training Group with Lancaster County acting as the Fiscal Agent for Southeast Region, upon the terms and conditions set out in the Interlocal Agreement which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed copy of the Interlocal Agreement to Donald Gross, Building and Safety Department, and to the Clerk of Lancaster County.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LINCOLN ELECTRIC SYSTEM SEMI-ANNUAL FINANCIAL HIGHLIGHTS ENDING JUNE 30, - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF AUGUST, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-2)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF JULY, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 3, 2016 AT 3:00 P.M. ON THE APPLICATION OF COUNTRYVIEW STUDIOS INC., DBA ART AND SOUL FOR AN ADDITION OF AN OUTDOOR AREA MEASURING APPROX. 78' X10' TO THE EAST OF THEIR LICENSED PREMISE AT 5740 HIDCOTE DR - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89983 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 26, 2016, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Countryview Studios Inc., dba Art and Soul for an addition of an outdoor area measuring approx. 78' X 10' to the east of their licensed premise at 5740 Hidcote Drive.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 3, 2016 AT 3:00 P.M. ON THE APPLICATION OF KILL SCREEN INC., DBA VS ARCADE BAR FOR A CLASS CK LIQUOR LICENSE AT 247 N 8TH STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89984 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 26, 2016, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Kill Screen Inc., dba VS Arcade Bar for a Class CK Liquor License at 247 N 8th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 3, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CHAD TAYLOR FOR WFM NEBRASKA LLC DBA WHOLE FOODS MARKET AT 6055 O STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89985 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 3, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Chad Taylor for WFM Nebraska LLC dba Whole Foods Market at 6055 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 3, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RUSSELL D. SCOTT FOR NEBRASKA DINING HOLDING, LLC DBA NOODLES & COMPANY #7102 AT 2801 PINE LAKE ROAD, SUITE X, NOODLES & COMPANY #7103 AT 210 NORTH 14TH STREET, NOODLES & COMPANY #7105 AT 5001 O STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89986 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 3, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Russell D. Scott for Nebraska Dining Holding, LLC dba Noodles & Company #7102 at 2801 Pine Lake Road, Suite X, Noodles & Company #7103 at 210 North 14TH Street, Noodles & Company #7105 at 5001 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No.1013k, Requested by Baylor Evnen, Llp, to Allow for the Operation of a Kennel Facility with an Outdoor Area, on Property Generally Located at 5930 South 57th Street.

Special Permit No. 300c, Requested by Jeff Monzu, to Amend an Existing Special Permit to Allow for Reconstruction of a Non-conforming Facility and to Increase the Allowable Square Footage from 22,300 Square Feet to 32,000 Square Feet; an Increase in Allowable Parking from 57 Stalls to 88 Stalls; and an Increase in Allowable Members Residing on the Premises from 80 Members to 88 Members plus a Housemother, on Property Generally Located at 3601 Apple Street.

Combined Special Permit Use Permit No. 11i, Requested by Clark Anderson, to Add a Special Permitted Use for a Culinary Academy, on Property Generally Located at 6800 South 32nd Street.

Change of Zone No. 16025, Requested by Civil Design Group, Inc., from Ag (Agricultural District) to Agr (Agricultural Residential District), on 2.85 Acres, More or Less, on Property Generally Located at South 60th Street and Wittstruck Road.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF CHADWICK W. FISHER FOR YIN FAMILY, LLC DBA HIRO 88 AT 601 R STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89987 WHEREAS, Yin Family, LLC dba Hiro 88 located at 601 R Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Chadwick W. Fisher be named manager;

WHEREAS, Chadwick W. Fisher appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Chadwick W. Fisher be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. TO EXPAND ITS CLASS L LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS ENTIRE L SHAPED SINGLE STORY BUILDING MEASURING APPROXIMATELY 120 FEET BY 198 FEET INCLUDING OUTDOOR AREA MEASURING APPROXIMATELY 12 FEET BY 40 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89988 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co., LLC dba Zipline Brewing Co. to expand its licensed premises by the addition to the area of a new licensed area described as the entire L shaped single story building measuring approximately 120 feet by 198 feet including outdoor area measuring approximately 12 feet by 40 feet, at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 200 FEET BY 120 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 170 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON SEPTEMBER 24, 2016 FROM 1:00 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89989 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co. for a special designated license to cover an indoor area measuring approximately 200 feet by 120 feet and an outdoor area measuring approximately 170 feet by 72 feet at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, on September 24, 2016, between the hours of 1:00 p.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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APPLICATION OF BDF, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 350 FEET BY 350 FEET AT 605 NORTH 8TH STREET ON OCTOBER 8, 2016 FROM NOON TO 11:00 P.M. - PRIOR to reading:

CAMP Moved to Continue Public Hearing and Action 1 week to 09/26/16.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION -
CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89979 A RESOLUTION establishing a final property tax levy for the City's 2016-2017 fiscal year and adjusting the City tax rate.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 12, 2016, which date was at least five days prior to September 19, 2016 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2016-2017 fiscal year for a property tax request of \$60,752,736: \$0.32194 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03402
General	.18722
Library	.04443
Social Security	.01581
Police and Fire Pension	.04019
Unemployment Compensation	<u>.00027</u>
Total	.32194

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRIDGE BEHAVIORAL HEALTH FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A TWO YEAR TERM FROM OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2018 -
CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89990 WHEREAS, the City of Lincoln is desirous of entering into a contract with Bridge Behavioral Health for protective custody services for those individuals with alcohol and drug abuse problems and for space for the Lincoln Police Department to conduct chemical testing and related services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract for Services between the City of Lincoln, Nebraska and Bridge Behavioral Health, a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference, for a two year period, under which Bridge Behavioral Health will provide protective custody services for those individuals with alcohol and drug abuse problems and provide space for the Lincoln Police Department to conduct chemical testing and related services, upon the terms and conditions set forth in said Agreement, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a fully executed copy of said Agreement to Phil Tegeler, Executive Director of Bridge Behavioral Health at 721 "K" Street, Lincoln, Nebraska 68508.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16-31, 2016 - PRIOR to reading:

RAYBOULD Moved to remove Sandra Roberts from the DENIED CLAIMS.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89991 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 1, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Steve & Barbie Wells	\$8,217.00	Jeremiah Rice	\$2,274.70
James & Margaret McFarland	643.75		
Sandra & William Harder	10,280.76		
Heather Ross	1,000,000.00		
Sandra Roberts	1,100.00		
Sheila Henry	204.00		
Phoenix Loss Control			
o/b/o Time Warner Cable	1,296.74		
Harley Bouwens	9,185.00		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A LOWER PLATTE RIVER CONSORTIUM AGREEMENT BETWEEN THE CITY OF LINCOLN, METROPOLITAN UTILITIES DISTRICT, NEBRASKA DEPARTMENT OF NATURAL RESOURCES, LOWER PLATTE SOUTH NRD, LOWER PLATTE NORTH NRD, AND PAPIO-MISSOURI RIVER NRD TO STUDY LONG-TERM WATER SUPPLIES AVAILABLE TO THE LOWER SUBBASIN FOR ENHANCING STREAMFLOWS OR AQUIFER STORAGE TO SUPPORT SUSTAINABLE PUBLIC WATER SYSTEMS - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89992 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Lower Platte River Consortium Agreement between the City of Lincoln, Metropolitan Utilities District, Nebraska Department of Natural Resources, Lower Platte South Natural Resources District, Lower Platte North Natural Resources District, and Papio-Missouri River Natural Resources District to study long-term water supplies available to the lower subbasin for enhancing streamflows or aquifer storage to support sustainable public water systems, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and six fully executed Agreements to Steve Owen, Public Works & Utilities Water Division, for transmittal to the parties.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$30,000.00 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO GENERAL EXPENSE/LEGAL SERVICES TO COVER ANTICIPATED LEGAL FEES RELATED TO A DISPUTE REGARDING THE 2016-2018 CITY BUDGET AND RELATED PROPERTY TAX RATE FOR THE 2016-2017 FISCAL YEAR - PRIOR to reading:

FELLERS Motion to move item to be a new item 21a.
Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89993 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That a transfer of appropriations in the amount of \$30,000.00 from Miscellaneous Budget/Contingency to General Expense/Legal Services to cover anticipated legal fees related to a dispute regarding the 2016-2018 City Budget and related property tax rate for the 2016-2017 fiscal year, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: Raybould.

RESOLUTION - FOR ACTION ONLY

APPROVING THE 2016-2017 CITY TAX RATE OF 0.33366 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

38-4672 A RESOLUTION establishing a final property tax levy for the City's 2016-2017 fiscal year and adjusting the City tax rate required in the City budget resolution on August 22, 2016.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 5, 2016, which date was at least five days prior to September 12, 2016 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 22, 2016, the tax rate was anticipated to be .33366 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2016-2017 fiscal year for a property tax request of \$62,964,396: \$0.33366 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03402
General	.19894
Library	.04443
Social Security	.01581
Police and Fire Pension	.04019
Unemployment Compensation	<u>.00027</u>
Total	.33366

Introduced by Roy Christensen

Seconded by Raybould & **LOST** by the following vote: AYES: Eskridge, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Fellers, Lamm.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM. (8/1/16 - ACTION DELAYED TO 9/12/16) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89994 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln and Selectron Technologies, Inc. for an Integrated Interactive Voice Response System, pursuant to RFP 16-102, for a four (4) year term, with the option to renew for one (1) additional one (1) year term, upon the terms and condition as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS - NONE

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND JEFFREY K. BARCLAY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 801 SOUTH 27TH STREET - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance approving a real estate sales agreement between the City of Lincoln and Jeffrey K. Barclay authorizing the sale of City owned property generally located at 801 South 27th Street, Lincoln, Nebraska, the second time.

ACCEPTING AND APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ADULT PROBATION SERVICES FOR THE LEASE OF OFFICE SPACE IN THE MUNICIPAL SERVICE CENTER LOCATED AT 901 WEST BOND STREET TO LANCASTER COUNTY ADULT PROBATION FOR AN INITIAL TERM BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2018 - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance accepting an approving the Lease Agreement between the City of Lincoln and Lancaster County Adult Probation Services, the second time.

RESOLUTIONS - 1ST READING

REAPPOINTING JACK COOGAN, PHILLIP NALLEY, AND RACHEL WARMAN TO THE AIR POLLUTION ADVISORY BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2019. (*CONSENT*)

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO INCLUDE THE CITY'S IMPROVEMENTS OF 27TH STREET AT THE INTERSTATE 80 INTERCHANGE BETWEEN THE ON AND OFF RAMPS WITH THEIR PROJECT NO. IM-80-9(74) - CN 13111.

A RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES’ DAY
IN THE CITY OF LINCOLN AND ENCOURAGING OTHER INSTITUTIONS TO RECOGNIZE THE
DAY.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE WITH TAX-
UALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION
FROM THE INTERNAL REVENUE SERVICE - CLERK read an ordinance, introduced by Trent Fellers,
an ordinance amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code by amending Sections
2.62.055, 2.65.055, 2.66.055, 2.62.180, and 2.66.140; and repealing Sections 2.62.055, 2.65.055, 2.66.055,
2.62.180, and 2.66.140 as hirherto existing, the first time.

ADJOURNMENT

5:26 P.M.

CAMP Moved to adjourn the City Council Meeting of September 19, 2016.
 Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Rhonda M. Bice, Office Specialist

